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Sent: 11/21/2018 3:59:38 PM
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Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

[Small-Scale Gold Miners Spreading Mercury Through Amazon: Reports](#)

By Michael Kepp

Posted Nov. 20, 2018, 5:11 PM

Mercury used in small-scale gold mining in the Amazon is concentrating in fish and contaminating a food staple for Indian communities, Indian rights and environmental groups told Bloomberg Environment Nov. 20.

Cal Water Jury Win on Asbestos Claims Upheld

By Peter Hayes

Posted Nov. 20, 2018, 1:01 PM

A jury verdict absolving California Water Service Co. of asbestos liability to a contract worker will stand, a California appeals court ruled.

GREENWIRE ARTICLES

Wheeler vows to find culprit behind racist messages

Kevin Bogardus, E&E News reporter

Published: Tuesday, November 20, 2018



Acting EPA Administrator Andrew Wheeler in an email said an "active investigation" is underway into racist messages found at the agency's headquarters. Lance Cheung/USDA/Flickr

Acting EPA Administrator Andrew Wheeler has condemned a series of racist messages found at the agency and pledged to track down the offender.

Wheeler told employees in an internal email obtained by E&E News that such behavior won't be tolerated at EPA.

"Recently, and over the past year, there have been multiple instances of offensive notes or inappropriate messages left in EPA common areas. This is not acceptable anywhere at EPA — at EPA HQ or in EPA regional offices," Wheeler said in the email sent late yesterday afternoon.

Wheeler said that the offensive messages — some of which were racial slurs scrawled on a scheduling whiteboard in EPA's public affairs office in the William Jefferson Clinton North Building — had been referred to the EPA Office of Inspector General and that "an active investigation" was underway.

<https://www.eenews.net/greenwire/2018/11/20/stories/1060107123>

'Mission Support' office launches

Kevin Bogardus, E&E News reporter

Published: Tuesday, November 20, 2018



EPA headquarters in Washington. Robin Bravender/E&E News

EPA will open up a new office to handle its human resources and computer systems next week.

Donna Vizian, principal deputy assistant administrator for the Office of Administration and Resources Management, told employees in an internal email obtained by E&E News that EPA will launch the Office of Mission Support on Monday.

"I am pleased to announce that effective November 26, 2018, the Office of Mission Support (OMS) will be open for business," Vizian said in the email sent yesterday.

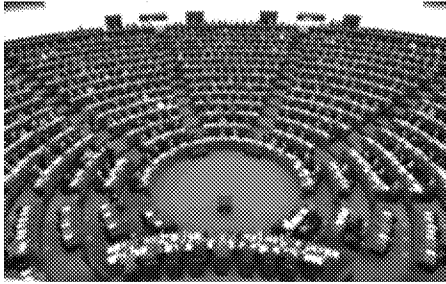
The new office will merge OARM and the Office of Environmental Information. It will handle EPA contracts, facilities, grants, human resources and information technology.

<https://www.eenews.net/greenwire/2018/11/20/stories/1060107125>

EU Parliament shuns high POPs limit proposal in recycled plastic

Thumbs down for flame retardant decaBDE after NGO backlash

20 November 2018 / Children's products, Europe, Green chemistry, Persistent organic pollutants



European lawmakers have rejected a proposal that would have allowed high concentrations of toxic flame retardants, including decaBDE, in plastic toys made from recycled material.

The proposal came in a recast of the persistent organic pollutants (POPs) Regulation voted through by the European Parliament on 15 November.

MEPs voted 567 in favour of the recast, with 23 against and 27 abstentions. But they turned down several amendments added to it later, including an attempt to set a derogation limit 100 times higher on decaBDE and four similar POPs in mixtures than the one adopted for the substance on its own.

NGOs campaigned strongly against amendment 30, which called for a 1,000ppm limit on decaBDE substances in their entirety in mixtures or articles. They suggested a more protective standard of 10ppm, after a major study found flame retardants in plastic toys and other articles made from recycled electronic waste.

British independent MEP and rapporteur Julie Girling tabled the amendment, arguing that European plastics recyclers handling electronics or end-of-life vehicles would be hit hard otherwise.

A spokesperson for Ms Girling told Chemical Watch the European Council discussed the vote on 19 November and its position should be known in "the coming days".

The European Commission, Council and Parliament should then enter into trialogue negotiations in early December, the spokesperson added. If an agreement is not reached before 21 December, the Romanian presidency of the Council will conclude negotiations, once it is established in January.

The MEPs' vote follows strong backing for the recast from Parliament's environment committee (Envi) last month.

NGO reaction

The European Environmental Bureau (EEB) said it was "satisfied" with the outcome of the vote. "There is a tendency to underestimate the properties of POPs," chemicals project officer Elise Vitali said. "Some, such as decaBDE, have been described as 'less bad' than others, even by [Ms] Girling."

Industry and decision makers "must understand that recycling is not a way out for any toxic materials", Ms Vitali added. "The EU must oppose those trying to introduce derogations leading to toxic contamination of recycled streams by POPs."

The International POPs Elimination Network (Ipen) said the verdict on decaBDE could lead to "an end of toxic recycling" and would also offer stronger protection from hazardous waste dumping in developing countries.

It called on the Council and member states to "confirm and implement" the measures.

Green light

Other amendments to the recast that MEPs endorsed included:

- amendment 26: this allows short-chain chlorinated paraffins (SCCPs) in high concentrations in the environment. NGOs had called for a 100ppm limit – well below the 10,000ppm POPs content level backed by the EU;
- amendment 4 on Echa's new tasks: NGOs had said this assigns "inappropriate" responsibilities to the agency outside its mandate and would "severely restrict" member states' ability to nominate POPs; and
- amendment 37: tabled by the European Greens, this introduces a 500mg/kg low POPs content limit for all polybrominated diphenyl ethers (PBDE) flame retardants.

The EEB said it was "really concerned" about SCCPs because the agreed limit is "not protective enough". SCCPs are used as flame retardants and softeners in plastics, including children's products.

In total, 14 amendments were added at plenary stage – 30 to 43 – and Parliament rejected all except amendment 37. The previous 29 amendments, including those on SCCPs and Echa, had been approved at committee stage.

The recast is set to align the Regulation's procedures with requirements of the Lisbon Treaty and give Echa new tasks. It also incorporates recent decisions taken within the framework of the Stockholm Convention and the POPs Protocol.



Clelia Oziel

EMEA correspondent

Related Articles

- [Reject proposed POPs recast changes, NGOs tell MEPs](#)
- [NGOs urge EU to end POPs exemptions for recycled plastics](#)
- [Envi committee approves EU POPs recast](#)

Further Information:

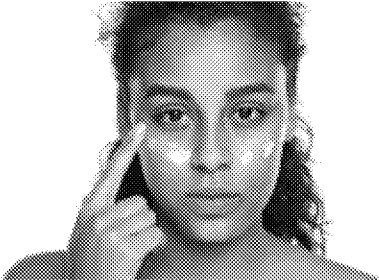
- [Amendments](#)

- [Voting list](#)

Global study finds mercury in skin-lightening creams

Concentrations exceed Minamata provisions, NGOs say

20 November 2018 / Alternatives assessment & substitution, Enforcement, Global, Metals, Personal care



A global study by NGO coalition the Zero Mercury Working Group (ZMWG) has found "dangerous" levels of mercury in skin-lightening creams in several countries.

Of the 338 such creams it tested from 22 countries between 2017 and 2018, 10% had mercury concentrations ranging from 93 to 16,353 parts per million (ppm).

These levels, the report highlighted, "significantly" exceed not only national laws but also the provisions of the Minamata Convention on Mercury. The treaty, agreed in 2013, will ban the manufacture, import or export of cosmetics with a mercury content above 1ppm after 2020.

Fifteen of the targeted countries have legislation covering skin-lightening creams, and 14 of these "appear to have a ban – via law or otherwise" on mercury content above 1ppm, ZMWG said.

The countries where high levels on mercury were found are:

- Bangladesh;
- Dominican Republic;
- Indonesia;
- Mauritius;
- the Philippines;
- Thailand; and
- Trinidad and Tobago.

‘Skyrocketing’ demand

Skin-lightening creams target the production of the pigment melanin in the skin cells and pose serious risks for human health.

In particular, when mercury is added as an active ingredient, the short- and long-term effects can include damage to the skin, eyes, lungs, kidneys, digestive, immune and nervous systems, the study warned.

However, according to the study, the use of such products is "prevalent" around the globe, and the demand is "skyrocketing".

This is especially the case in Asia, the Middle East and Africa, where sales exceeded US\$17.9bn (€15.6bn) in 2017, and are projected to reach \$31.2bn by 2024. The creams are mostly used among women but increasingly by men, mainly due to a widespread social stereotyping on the basis of skin colour.

"In light of the increasing demand and the large range of skin-lightening products available, more regulations, guidelines and programmes are needed to curtail this global crisis, along with better enforcement and the use of effective risk communication strategies," ZMWG said.

As a first step, it added, the 34 creams found to exceed the 1ppm mercury limit should be immediately removed from the market.

Towards 2020

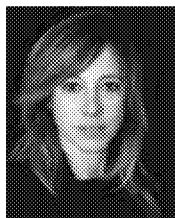
The Minamata Convention, which entered into force in August 2017, aims to protect human health and the environment from the hazardous effects of mercury. So far, 101 countries have fully signed up to it.

Ahead of the provisions coming into force, ZMWG issued a number of recommendations, including:

- scaling up efforts to control illegally imported cosmetics – including border controls – and tracking down manufacturers and distributors of high mercury-containing cosmetics;
- improving communication and raising awareness about the risks of toxic cosmetics, and ceasing discriminatory advertising;
- updating listings of illegal products and contributing to a global listing on UN agency and Interpol websites;
- ensuring retailers, including e-shops, remove hazardous or illegal products from sale; and
- putting in place national regulations providing for compulsory labelling of all cosmetics.

The EU adopted its own regulation on mercury on 25 April. It includes a ban on the use of dental amalgam for children under 15, and pregnant or breastfeeding women.

It came into force on 1 July.



Caterina Tani

EMA reporter

Related Articles

- [EU publishes mercury Regulation](#)

Further Information:

- [Zero Mercury Working Group study](#)

US EPA withdraws rulemaking for 28 Snurs

20 November 2018 / Substance notification & inventories, TSCA, United States

The US EPA has withdrawn 28 TSCA significant new use rules (Snurs) due to adverse comments.

The rules were [initially issued](#) on 17 September, with a comment deadline of 17 October. The EPA received more than a dozen responses from NGOs, industry representatives and others, and a request to extend the comment period.

The chemicals covered are varied, but include substances intended for use as a flame retardant for textiles, paint, urethane foam, and as an aromatic polyester polyol for rigid foam.

The Physicians Committee for Responsible for Medicine (PCRM) said the proposed rule includes 12 substances that PMN submitters are prohibited from manufacturing beyond specified time or volume limits, unless they conduct testing on vertebrate animals. They asked the EPA to explain the requirement in each case with "details of any specific alternative approaches considered". This mirrors PCRM's comments on [previous batches](#) of Snurs.

The Environmental Defense Fund (EDF) said the agency has deviated from its persistent, bioaccumulative, and toxic new chemical testing policy without providing an explanation. And it had used generic use descriptions for the proposed Snurs that were "unacceptably broad or vague and do not comply with the EPA's own instructions for PMNs".

The American Chemistry Council (ACC), which represents the US chemical industry, sought clarification on scope and the extent that the proposed and direct final Snurs are "based on concerns with excess or residual isocyanate monomers in mixture with the Snur chemical". They also asked the EPA to delete record-keeping provisions, noting that the requirements have been burdensome to downstream chemical users and of little utility to the agency.

As of publication, the agency has not extended or reopened the comment period for the batch of 28 Snurs. They have previously done so after [withdrawing a rulemaking](#).

Related Articles

- [Twenty eight significant new use rules issued by EPA](#)
- [EPA withdraws rulemaking for 29 Snurs](#)
- [US EPA reopens comment periods for 172 Snurs](#)

Further Information:

- [Federal Register](#)
- [Docket](#)

Hard Brexit 'not yet averted' – Germany's VCI

20 November 2018 / Europe, United Kingdom

The danger of Britain crashing out of the EU with no agreement has not been averted and there is still risk of a "serious impact" on chemical supply chains, the head of the German Chemical Industry Association (VCI) has said.

Utz Tillmann's comments come after the UK and the EU agreed a draft Brexit withdrawal [agreement](#) last week. While he welcomed this, Mr Tillmann stressed that until the deal is ratified by both UK and EU parliaments "there is no all-clear".

Without ratification, he said, there is no transitional phase, and it is in this period that negotiations that are important for the industry "only really start".

The 585-page draft Brexit document sets out clauses of Britain's exit but does not include finer detail around chemicals legislation.

Mr Tillmann called for a "concrete arrangement" for the future relationship and said industry will only see this as "a good agreement" if tariff barriers are avoided and the same standards for product and chemical safety are maintained.

These should be included in the guidelines for the future relationship that the European Commission expects to adopt next week, he added.

The warning on Brexit is VCI's second in less than three months. At the end of August it [urged](#) companies to prepare for a 'no-deal' Brexit – a scenario it said would bring chemicals trading between the UK and EU to a "complete standstill".

Germany and the UK are major trading partners. German chemical exports to the UK totalled €11.2bn in 2017, while imports from the UK were €6.5bn, the VCI said.

Last week, Cefic and UK Chemical Industries Association (CIA) welcomed the draft Brexit deal, but said the UK's desired 'associate membership' of Echa, and what this entails in terms of access to data, still needs to be agreed.

Related Articles

- [Brexit: UK, EU chemicals industry welcomes agreed draft deal](#)
- [Industry needs to prepare for no-deal Brexit – Germany's VCI](#)

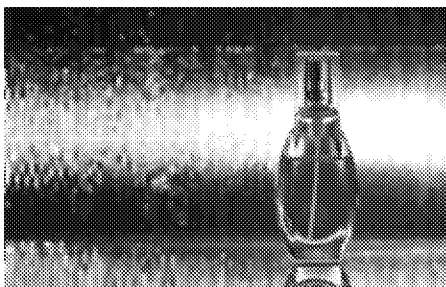
Further Information:

- [Press release \(in German\)](#)

SC Johnson sets galaxolide phase-out timeline for 50% of products

Target to be achieved 'over next three years'

20 November 2018 / Cleaning products, Personal care, United States



Consumer products conglomerate SC Johnson is aiming to phase out the synthetic musk galaxolide from half of its product formulations "over the next three years".

The company started transitioning away from the chemical – which is used in perfumes – in 2016, but has not until now provided any timescale for doing so.

"We anticipate [in that time] more than 50% of our fragrance formulations will no longer contain galaxolide," wrote Michelle A Johnson, SCJ director of reputation management, in an October letter to the NGO Women's Voices for the Earth.

However, the remaining formulas will take additional time to phase out. "For example, some of our registered products, such as antibacterial or pest control, require regulatory registration and have a longer development timeline."

The transition came after months of pressure from NGO Women's Voices for the Earth (WVE), which repeatedly called on the company to stop its use. The NGO says galaxolide is a threat to the environment and human health; it asserts studies have found the substance in the Great Lakes and human body, and it is a potential endocrine disruptor.

The US EPA does not consider it persistent, bioaccumulative and toxic (PBT), but the agency's assessment of the substance found it to be moderately persistent and bioaccumulative, especially for aquatic organisms.

After initially defending its use and questioning the science of WVE's claims, SCJ said new data released in recent years gave it the reassurance to move toward certain alternatives. It is the only major fragrance manufacturer to commit to a phase-out.

The company has removed galaxolide from the SCJ acceptable chemical palette, which means it can no longer be used to formulate a new product or update an existing one.

However, products that were already in development when the phase-out was announced will not be subject to ingredient changes. The Glade Limited Edition collection is one of these, as WVE noted in their initial request for a transition update.

SCJ's ingredient disclosure website will continue to list products "long after they've left the marketplace, to ensure that consumers have access to ingredient information for products they may have in their homes," wrote Ms Johnson. New and reformulated products will enter the market in early 2019.

Competitors' progress

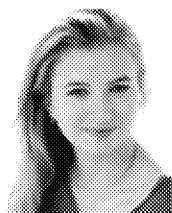
Alexandra Scranton, director of science and research for WVE, pointed out that SCJ's move comes as overall galaxolide use increases worldwide. The cause is unclear, but she speculates that it could be attributed to the general regulation in Europe of synthetic musks. This has led to the substitution of polycyclic musks like galaxolide for nitro musks, some of which have been restricted or banned.

However, Ms Scranton qualified, "the fragrance industry tends to be very secretive about how they do things."

The release of the EPA's chemical data reporting (CDR) results revealed that nine major companies are using the substance, including international fragrance giants Givaudan, Symrise and International Flavors and Fragrances. The names of several other users remain confidential.

Major consumer products companies Procter & Gamble and Unilever both use galaxolide. This is revealed through the publication of their 'fragrance pallets' — a product transparency initiative that SCJ also released. However, the two multinationals have not yet disclosed which products contain which ingredients; WVE intends to share this information publicly once it is released. It is not clear whether P&G and Unilever intend to follow in SCJ's footsteps and initiate a phase-out as well.

Procter & Gamble and Unilever did not respond to Chemical Watch's request for comment by the time of publishing.



Lisa Martine Jenkins

Americas reporter

Related Articles

- [SC Johnson to phase out controversial fragrance ingredient](#)
- [NGOs call on SC Johnson to stop using fragrance ingredient](#)
- [NGOs call on SC Johnson to stop using fragrance ingredient](#)

Further Information:

- [EPA assessment of galaxolide](#)
- [WVE blogpost](#)
- [SCJ: what's inside?](#)

Alternatives assessment gathers steam with launch of dedicated organisation

20 November 2018 / Alternatives assessment & substitution, United States

An organisation has been set up in the US to drive the science, practice and policy of alternatives assessment and informed substitution of hazardous chemicals.

The Association for the Advancement of Alternatives Assessment (A4) officially launched at the second annual International Symposium on Alternatives Assessment, held earlier this month in Sacramento and hosted by California's EPA.

Researchers and practitioners from government agencies, academia, industry and NGOs, who cover a broad range of scientific disciplines, including toxicology, exposure science, engineering, chemistry, lifecycle assessment, law and policy, and economics are involved.

According to the A4 website, it is the first organisation to bring together the multiple disciplines involved in both the methodological development and practice of alternatives assessment and informed substitution.

It adds that professionals building these fields have, over the last decade, been loosely connected through a community of practice.

"However, to achieve the goal of supporting the transition to safer chemicals while minimising unintended consequences, a more formalised community is needed," it continues.

"A4 is the logical outcome of the symposium," said Meredith Williams, deputy director of California state's Safer Consumer Products programme. The mission says it all. It aims to 'enhance the science of alternatives assessment, advance informed substitution, and support a vibrant, effective community of practitioners.' A professional society provides an avenue for continued collaboration."

Alternatives assessment, as defined by the US National Research Council, is the process of "identifying and comparing potential chemical and non-chemical alternatives that could replace chemicals of concern on the basis of their hazards, comparative exposure, performance and economic viability." The concept has only been embraced globally in recent years.

In the short term, A4's plan is to focus on consistency and best practices, as well as education and networking; eventually, there is talk of providing training and certification.

'Crosses disciplines'

"Alternatives assessment crosses boundaries," said Dr Williams. "It allows us to tackle human health, climate, water, natural resource use, and waste generation with one framework. It crosses scientific disciplines (economics, chemistry, toxicology, ecology). And it's valuable for regulators, product designers and environmental protection advocates."

Dr Williams' department, the Department of Toxic Substances Control (DTSC), uses AA to guide its regulatory response under its Safer Consumer Products programme, which is "designed to shift the chemicals management paradigm and break the cycle of substituting one harmful chemical for another." A [final version](#) of its guidance for carrying out an AA was released in June 2017.

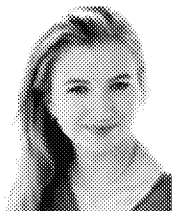
The symposium emphasised creating and utilising tools to streamline these processes, both in the US and internationally. While the methodology is still being polished, AA is already driving policy.

For instance, Andreas Luedeke of Germany's Federal Institute for Occupational Health and Safety explained in his presentation that it is a part of substance evaluation under the EU's REACH Regulation.

Europe's chemical authorisation process aims to substitute substances of very high concern (SVHCs) for those that are less hazardous. Companies wishing to import, manufacture, or use SVHCs must use an AA to show that no suitable alternatives exist.

Working with others to establish A4 is Joel Tickner, professor at UMass Lowell and executive director of the Green Chemistry & Commerce Council. In 2016, Mr Tickner worked closely with the EPA to establish a Center of Excellence for AA. However, he said, that plan was short-lived: "EPA put out a proposal for funding such a centre but withdrew it in the current administration."

Heading up A4 as president is Pam Spencer, senior director of regulatory and product stewardship at US-based the Angus Chemical Company.



Lisa Martine Jenkins

Americas reporter

Related Articles

- [California releases alternatives analysis guide for SCP programme](#)

Further Information:

- [Presentation abstracts](#)
- [DTSC press release](#)
- [NAP: A Framework to Guide Selection of Chemical Alternatives](#)

Turkey implements POPs Regulation aligned with EU

20 November 2018 / Persistent organic pollutants, Turkey

Turkey has enacted legislation on persistent organic pollutants (POPs) which means it is now aligned with European Union rules.

The Regulation on POPs – KOK in Turkish – was published in the Official Gazette on 14 November and became immediately effective, the Ministry of Environment and Urbanisation (MoEU) announced.

The EU incorporated the UN's Stockholm Convention on POPs into its legislation in 2004. This bans the intentional production, marketing and use of listed substances listed in the convention.

Melih Babayigit from the CRAD Consultancy in Istanbul said the adoption of Turkish KOK has been anticipated since 2014. It is part of Turkey's efforts to align all its chemical legislation with the EU, with which it is in a customs union. Turkey's REACH-like law – KKDİK – came into effect at the end of 2017

The European Commission is currently negotiating a recast of the POP Regulation.

Related Articles

- [Turkish ministry approves seven KKDİK expert training institutes](#)
- [EU Parliament shuns high POPs limit proposal in recycled plastic](#)

Further Information:

- [Official Gazette \(in Turkish\)](#)

Turkey notifies WTO of new plastic FCM rules

21 November 2018 / Food & drink, Food contact, Food contact Regulation 10/2011, Turkey

Turkey has notified the WTO of new draft rules on plastic food contact materials, which will align with those in the European Union.

The notification, dated 15 November, states that the draft Turkish Food Codex Regulation for plastic materials and articles in contact with food will take effect on 1 February next year with a two-year transition period.

It will replace the current food regulation on plastic FCMs, which has been in effect since 2013.

Turkey, as a member of the EU customs union, is bringing all its chemical regulations in line with those of member states.

The European Commission is currently [evaluating](#) the 2004 EU food contact materials legislation to address the absence of harmonised rules for many FCMs.

Related Articles

- [EU Commission begins evaluation of FCM regulation](#)

Further Information:

- [Notification](#)

UK government updates Brexit chemicals webpage

21 November 2018 / United Kingdom

The UK's Health and Safety Executive (HSE) has updated its Brexit webpages containing advice for Britain's chemicals industry.

The update comes after a draft text on Britain's withdrawal from the European Union was agreed by both parties and published on 14 November. The 585-page document sets out clauses of Britain's exit, but does not include finer detail around chemicals legislation.

The agreement is still subject to ratification by the UK and European Parliaments and EU27.

HSE's webpages have guidance on a possible implementation period, as well as what stakeholders need to know if a final deal is not agreed.

The executive has also made available a video of its no-deal Brexit [workshop](#) on 10 October in London.

Related Articles

- [UK REACH full data requirement alarms industry](#)

Further Information:

- [Brexit webpage](#)
- [Video](#)

California proposes clarifying changes to Prop 65 guidelines

21 November 2018 / California Prop 65, United States

California's Office of Environmental Health Hazard Assessment (Oehha) has proposed further amendments to guidelines for "clear and reasonable" consumer product warnings, as mandated under Proposition 65.

Oehha implements the law, which requires businesses to provide the warnings of potential exposure to chemicals listed as a carcinogen or reproductive toxicants.

The warning guidelines, specified in Article 6 of Title 27 in California's Code of Regulations, were adopted in August 2016 and amended in [November 2017](#). After receiving input from stakeholders, California determined that further clarifying changes were needed.

The amendments will not impose any new costs because Oehha says they "simply clarify the responsibility of intermediate parties in the chain of commerce to pass along a warning for consumer products".

Affected businesses are likely to benefit from the proposed regulatory action, it says, which also further clarify the definition of "actual knowledge".

Public comments on the proposal will be accepted until 31 December.

Related Articles

- [California proposes clarifications to Prop 65 warning requirements](#)

Further Information:

- [Proposed amendments](#)

US will add antimony trioxide to carcinogen list

21 November 2018 / CMRs, Risk assessment, United States

The US National Toxicology Program (NTP) has confirmed its provisional conclusion that antimony trioxide is "reasonably anticipated to be a human carcinogen" amid continued criticism from the antimony sector.

The conclusion of the final version of the Report on Carcinogens (RoC) monograph is unchanged from the [draft](#). This was published in January ahead of the [peer-review](#) meeting.

The move will result in the addition of the substance to the NTP's RoC list, a Congressionally-mandated public health report, prepared on behalf of the Secretary of Health and Human Services.

The NTP recommendation is based on "sufficient evidence" of carcinogenicity from animal studies and supporting evidence from mechanistic studies. The data available from studies in humans was "inadequate".

The International Antimony Association has consistently opposed the conclusion of the monograph.

Caroline Braibant, the association's secretary general, told Chemical Watch that the mode of action for the carcinogenicity observed in rats was not relevant for humans. Additionally, she said the evidence related only to the powder form of antimony trioxide.

Related Articles

- [Draft US report recommends adding antimony trioxide to carcinogen list](#)
- [Peer review panel agrees carcinogenicity of antimony trioxide](#)

Further Information:

- [Final RoC monograph](#)

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